

### III. REMARKS

#### **A. General Remarks**

Claims 2-7 and 9-21 are pending in the application.

#### **B. Section 101 Claim Rejections**

Claims 2-7 and 9-21 are rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter.

Assignee respectfully disagrees. Independent claims 3, 5, 10, 12, 15, and 19 are each directed to statutory subject matter because they each achieve a useful concrete tangible result of updating a computer system.

- Independent claim 3 recites “updating the computer system responsive to at least the first set of update information received” and “updating the computer system responsive to at least the second set of update information received.” Claim 3 has been amended to clear up use of the terms first, second, and third when the claim was last amended. These amendments do not narrow the scope of claim 3.
- Independent claim 5 recites “updating the first set of information on the computer system by modifying the first set of information responsive to at least the first set of update information received in the first request.”
- Independent claim 10 recites “computer readable program code devices configured to cause a computer to update the computer system responsive to at least the first set of update information received” and “computer readable program code devices configured to cause a computer to update the computer system responsive to at least the second set of update information received.” Claim 10 has been amended to clear up use of the terms first, second, and third when the claim was last amended. These amendments do not narrow the scope of claim 10.
- Independent claim 12 recites “computer readable program code devices configured to cause a computer to update the first set of information on the computer system by modify the first set of information at least responsive to the first set of update information received in the first request.”
- Claim 15 calls for an installer/deleter receiving the signal from the holding area manager

and updating the computer system. Claim 15 has been amended to remove the term “for” in various places to improve the reading of the claim. These amendments do not narrow the scope of claim 15.

- Claim 19 calls for an installer/deleter receiving the first set of update information and providing at least one command at an output, where the command modifies the first set of information to update the first set of information on the computer system. Claim 19 has been amended to remove the term “for” in various places to improve the reading of the claim. These amendments do not narrow the scope of claim 19.

As can be seen above, each of independent claims 3, 5, 10, 12, 15, and 19 contains the useful concrete tangible result of updating a computer system. By updating a computer system, the claimed subject matter is tangibly embodied, and claims 2-7 and 9-21 are directed to statutory subject matter under 35 U.S.C. § 101.

Because the claimed subject matter is tangibly embodied, the Examiner’s contention at page 2, paragraph 4, lines 7-12 that outcomes are not given for requests in claims 3, 5, 10, 12, and 19 is immaterial. Furthermore, claim 15 does call for an installer/deleter updating a computer system in contrast to how the Examiner has characterized claim 15 on pages 2-3 of the Office Action. Finally, whether claim 19 allegedly omits limitations as the Examiner contends on page 3 of the Office Action is immaterial to whether claim 19 is tangibly embodied.

For at least these reasons, claims 2-7 and 9-21 are directed to statutory subject matter, and Assignee respectfully requests allowance of these claims in the next paper from the Office.

### **C. Rejections under 35 U.S.C. § 112, first paragraph**

Claims 15-18 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner contends that “[t]he limitation of a holding area manager does not appear to be described properly at page 26 lines 3-15, which states that it is not necessary to attempt to store the channel update and determine if the update will overflow the holding area. The passage appears to omit description.” Office Action at page 3.

Assignee respectfully disagrees. First, the description at page 26, lines 3-15 introduces FIG. 4 and references the discussion of the embodiment at page 22, line 11 to page 23, line 8.

The description of FIG. 4 discusses an alternative embodiment to FIG. 3 and incorporates the discussion of FIG. 3 with noted exceptions. *See* Specification at page 26, lines 5-9. Thus, the Examiner is in error in contending that the passage omits description.

Second, the holding area manager is described in other portions of the specification, for example, at least at page 21, line 10 to page 23, line 8 and in FIG. 2. Thus, the Examiner is also in error in contending that the limitation of a holding area manager is not described properly because the Examiner has not acknowledged that other portions of the specification describe the holding area manager. For at least these reasons, claims 15-18 comply with the written description requirement of 35 U.S.C. § 112, first paragraph.

**D. Rejections under 35 U.S.C. § 112, second paragraph**

Claims 2-7 and 9-21 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being incomplete for omitting essential elements, such omission amounting to a gap between elements. With respect to claims 2-7, 9-14, and 19-21, the Examiner contends that “the claims omit channel index [see page 2-3, and page 9 lines 3-23], also the installer/deleter 214, holding area manager 222 appears to be important elements of the embodiments of the invention note Figures 2-3 page detailed description of specification.” Office Action page 4.

The Examiner cites MPEP 2172.01 as basis for the rejection under 35 U.S.C. § 112, second paragraph. As MPEP 2172.01 states, “a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention.” However, Assignee points out that the specification describes several embodiments and that nowhere in the specification have Applicants explicitly defined any element as being essential to the invention. Thus, the rejection of claims 2-7 and 9-21 under 35 U.S.C. § 112, second paragraph, has no basis and is improper, and Assignee respectfully requests withdrawal of the rejection and allowance of the claims in the next paper from the Office.

**E. Conclusion**

Reconsideration of the claims in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

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Date

/Sean McDermott/  
Sean McDermott  
Reg. No. 49,000

Wong, Cabello, Lutsch,  
Rutherford & Brucculeri, L.L.P.  
20333 SH 249, Ste 600  
Houston, TX 77070  
832/446-2416  
832/446-2424 (facsimile)